



Forgotten by families

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CHAPTER 2

Governance

Articles 12-13



Faith Manana and Gabsile Siyaya-Mamba attending the 50/50 Campaign launch. The two contested in the November 2012 local government election - Mbabane, October 2012. *Photo: Thandokuhle Dlamini*

KEY POINTS

- Swaziland's SGDI score for governance is 43% based on women's representation in local government, parliament and cabinet. The new SGDI is yet to be calculated to include the results of the just ended local government elections.
- The citizen's score is slightly higher at 47% based on their perceptions on the country's progress towards meeting the governance related provisions to be achieved by 2015. Women were more critical (45%) compared to men at 47%.
- Following the 3 November 2012 polls where the electorate voted for councillors for urban local government authorities a mere 10 women (14%) compared to 59 men (86%) made it.
- At the time of writing, gender activists were lobbying for the Minister of Housing and Urban Development to use her prerogative to nominate five additional councillors to appoint all women, which would raise the proportion of women councillors from 14% to 20%.
- Representation of women in local government stood at 25% before the November elections.
- Women make up only 25% of the cabinet ministers and 22% of parliamentarians.
- This is despite that the Swaziland Constitution provides for affirmative action with a target of 30% women in decision-making.
- Swaziland's political parties do not contest seats in Parliament, but MPs are elected on the basis of "merit" directly to parliament through the tinkhundla system and by the King's appointment.
- Most parties have quotas for women's representation set at 30%; only one had 40%, but most had not implemented them.
- The Constitution has a provision to be implemented if women form less than 30% at the first seating of the house of Assembly. All parties have a women's wing.
- Special measures have to be put in place if there is going to be an increase in women's representation at the national level and in rural councils during the 2013 elections.
- Civil society in collaboration with government departments, UN agencies and other stakeholders launched a 50/50 campaign with the hope that all stakeholders will maintain momentum until the 2013 elections if the country is going to meet the 50/50 by 2015 target.

Table 2.1: SGDI and CSC score for governance

	SGDI	CSC
Score	43%	47%
Rank	9	9

Table 2.1 shows that with an SGDI score of 43%, Swaziland is below the halfway mark of where it needs to be by 2015. The citizen score is slightly higher (47%) but also shows that the country needs to accelerate efforts if it is going to achieve the 50/50 by 2015 target.

Background

Achieving gender equality requires women's active participation and involvement in decision-making at all

levels, starting in the home and extending to the highest levels of government.¹

Elections are one opportunity to increase women's representation, raise issues of gender inequality and women's human rights, and to press for greater government accountability on gender sensitivity. The Protocol thus demands equal representation of women and men in all decision-making positions by 2015.

Article 5 of the SADC Gender Protocol calls for a strategy of affirmative action. This has been crucial to the rapid increase in women's political participation where there has been implementation. Gender activists in many countries are calling for deliberate measures, such as legislated quotas, to increase women's representation in decision-making positions.



Thembi Shongwe and Thembi Cebe strategise at a women in politics strategic communications workshop in the run up to the November local elections - Swzailand.
Photo: Thandokuhle Dlamini

Swaziland's constitution provides for affirmative action with a 30% quota for women in all levels of decision-making - however, in practice women are still far from reaching that threshold let alone the SADC Gender Protocol 50/50 target.

Swaziland missed the opportunity to increase women's representation in urban councils at the ended November elections. This is in spite of a 50/50 campaign launch. It is anticipated that the momentum will remain until the national and rural council elections are held in 2013.

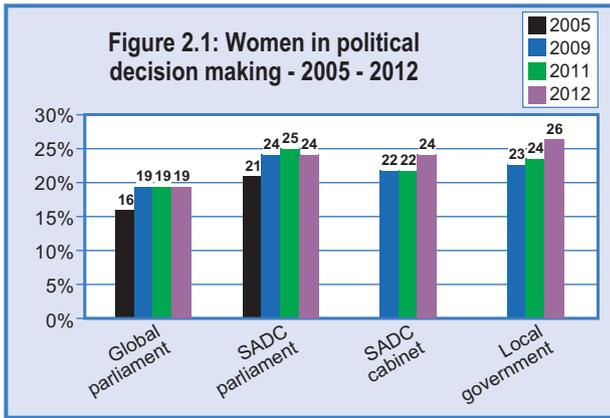
Representation



The Protocol provides for state parties to ensure that, by 2015, at least 50% of decision-making positions in the public and private sectors are held by women, including the use of affirmative action measures as provided for in Article 5.

It further provides for member states to ensure that all legislative and other measures are accompanied by public awareness campaigns which demonstrate the vital link between the equal representation and participation of women and men in decision making positions, democracy, good governance and citizen participation are put in place at all levels.

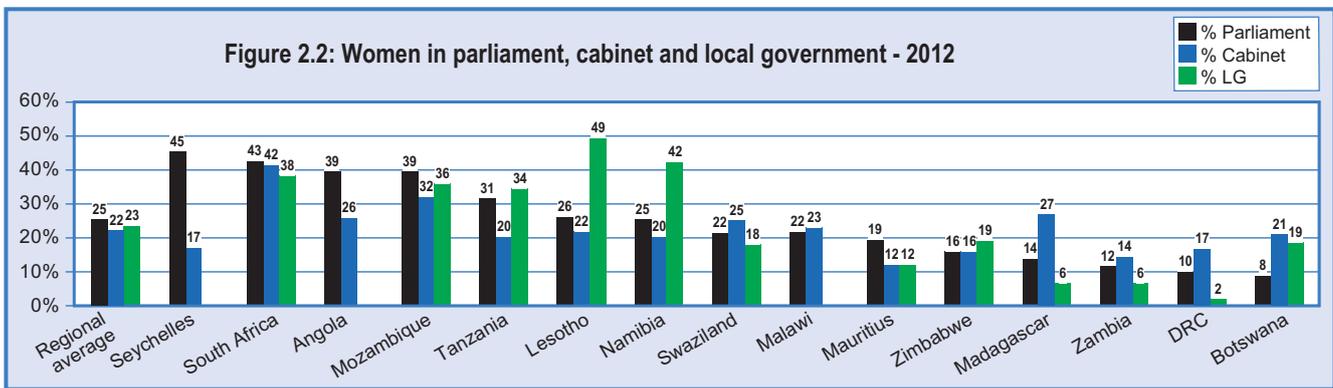
¹ 2011-2012 Progress of the world's women: In Pursuit of Justice, UN Women 2011.



Source: Gender Links 2012 SADC Gender Protocol Barometer.

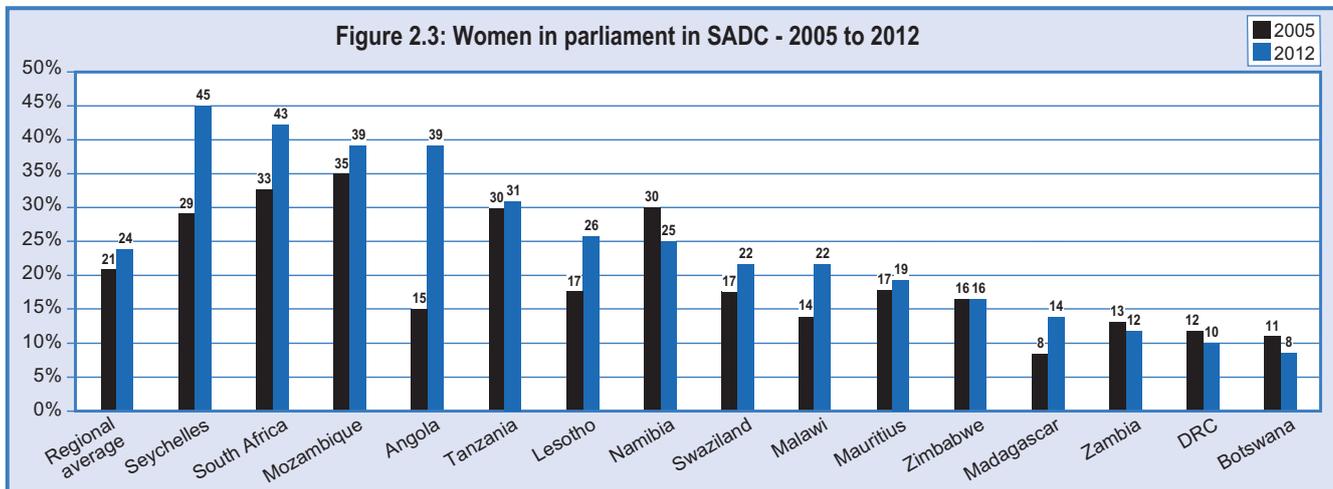
Figure 2.1 shows that in SADC overall women's representation in parliament and in local government dropped one percentage point from 2011.

Figure 2.2 shows that Swaziland continues to perform poorly in women's representation in political decision-making at all levels - local government, parliament and cabinet as it remains far below the 50% target.



Source: Gender Links 2012 SADC Gender Protocol Barometer.

Parliament

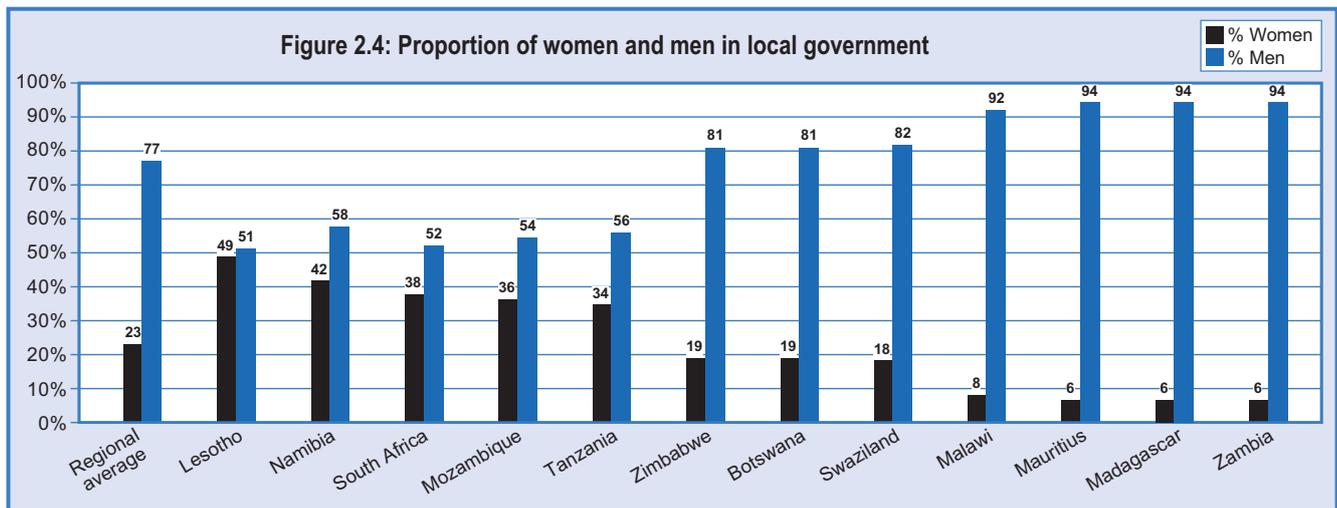


Source: Gender Links 2012 SADC Gender Protocol Barometer.

Figure 2.3 shows that Swaziland is among the ten countries in the region which are yet to reach 30% female representation threshold. There is one more opportunity to surpass the target if special measures

are implemented and the country's constitutional provision to achieve 30% women representation in all decision making positions is upheld.

Local government



Source: 2012 SADC Gender Protocol barometer.

Figure 2.4 shows that before the November 2012 urban councils elections, women representation stood at 18% of local councillors. However, following the elections women's representation in urban councils stands at 14% only before the Minister of Housing and Urban

Development uses her prerogative to nominate five additional councillors. Activists have pressed her to nominate all women, which would bring representation to 20%. Rural council elections will take place at the same time as the Presidential elections.

Urgent action needed to boost women in decision-making

Gender Links (GL) is calling on the Government of Swaziland to institute a legislated quota to increase the representation of women in all areas of politics and decision-making following the just-ended urban local elections. GL has further called on the Minister of Housing and Urban Development to use her prerogative to nominate five additional councillors to appoint all women, which would raise the proportion of women councillors from 14% to 20%.

The Swaziland Constitution has a target of 30% women in decision-making, while the SADC Protocol on Gender and Development that the country ratified in September 2012 stipulates a target of 50% by 2015. GL coordinates the Southern African Gender Protocol Alliance that campaigned for the SADC Gender Protocol and now works to ensure its implementation (see www.sadcgenderprotocol.org)

Swazi's went to the polls on 3 November 2012 to vote for councillors in urban local government authorities. The results show a mere 10 women (14%) compared to 59 men (86%). The Minister nominates an additional five councillors, bringing the total number of councillors to 74. If all the nominated councillors are women, this would bring the total number of women to 15 out of



Benedict Dlamini, Mayor of Ngwenya town board (left) and Ncane Maziya, Gender Links' country manager (right) for Swaziland after signing statement of commitment as part of Centres of Excellence for Gender Mainstreaming on behalf of their institutions, May 2012.

Photo: Thandokuhle Dlamini

74 (that is 20%). Women constituted 18.8% of urban councillors in the 2008 elections. Rural local elections and national elections will be held at the same time in 2013.

Melusi Hlanze, the Local Government Electoral Officer in the Ministry of Housing and Urban Development has expressed disappointment at the result but said that

hope is not lost, as the country will have national elections in 2013. He added that there is need to identify key indicators why women are failing to participate in political decision-making.

Sixty-nine wards of municipal councils, town boards and town councils participated in the elections. The two municipal councils are Manzini and Mbabane; Matsapha, Ezulwini, Nhlengano, Siteki and Piggs Peak are town councils; and Hlathikulu, Ngwenya, Lavumisa and Mankayane are town boards.

Ezulwini Municipality achieved gender parity with three women- Gwen Hadfield, Bongwe Mbigo and Nokuthula Mthembu and three men, Mmeli Mabuza, George Falcomer and Hlengizwe Ndzabakelwako. Men won all the seats in Lavumisa, Mankayane, Mbabane, Pigg's Peak and Siteki local authorities.

Makhosazane Shongwe is the only woman who secured a seat in the four-person Ngwenya Town Board. "I will represent Enkulu at the town board. It is a semi-urban dwelling area lagging behind in development. The major challenge is housing, I have to work with the board to ensure that decent houses are built, the lives of people are improved and women have access to the houses," said Shongwe.

Commenting on her re-election, Shongwe expressed gratitude for the support all female candidates received from the 50/50 campaign. "I attended the women in politics training in Manzini. I acquired skills on how to campaign in my ward. I became very confident to speak to both women and men and convince them to vote for me", she added.

GL Swaziland, the Deputy Prime Minister's (DPM) Gender and Family Issues Unit (GFIU), the Ministry of Housing and Urban Development, the Swaziland Local Government Association (SWALGA) and the Alliance of Mayors Initiative for Community Action on AIDS at the Local Level (AMICAALL) formed a partnership to launch the campaign.

The campaign aimed at increasing the percentage of women in local government and build momentum towards the national elections. As part of the campaign,

GL trained women candidates on how to relate with the media, come up with campaign messages and general assertiveness in communication.

"It is sad that women lost in the election, further reducing the percentage of women in urban local government. The percentage is way below the target in the SADC Gender Protocol," commented Nonhlanhla Dlamini, the Director of GFIU in the DPM's office.

Dlamini attributed this failure to patriarchy. "Our society still views women as minors and incapable to lead. Women have to work extra hard to prove that they can be leaders," said Dlamini.

Nontobeko Dlamini, the youngest female candidate (26 years) to stand in this election for Ward Three in Siteki lost to Mvila Dlamini. "Voter apathy in my ward affected my chance to unseat my opponent who has been in council since 1992," she said.

According to the Ministry of Housing and Urban Development, 19 800 Swazis registered to vote, 11 792 (60%) men and 8008 (40%) women.

The SADC Gender Protocol Barometer 2012 states that Lesotho has the highest representation of women in local government at 49%, followed by Namibia at 42% and South Africa at 38%. Lesotho and Namibia have legislated quotas for women in local government and the ruling African National Congress (ANC) in South Africa has a voluntary 50% quota for women in political decision-making.

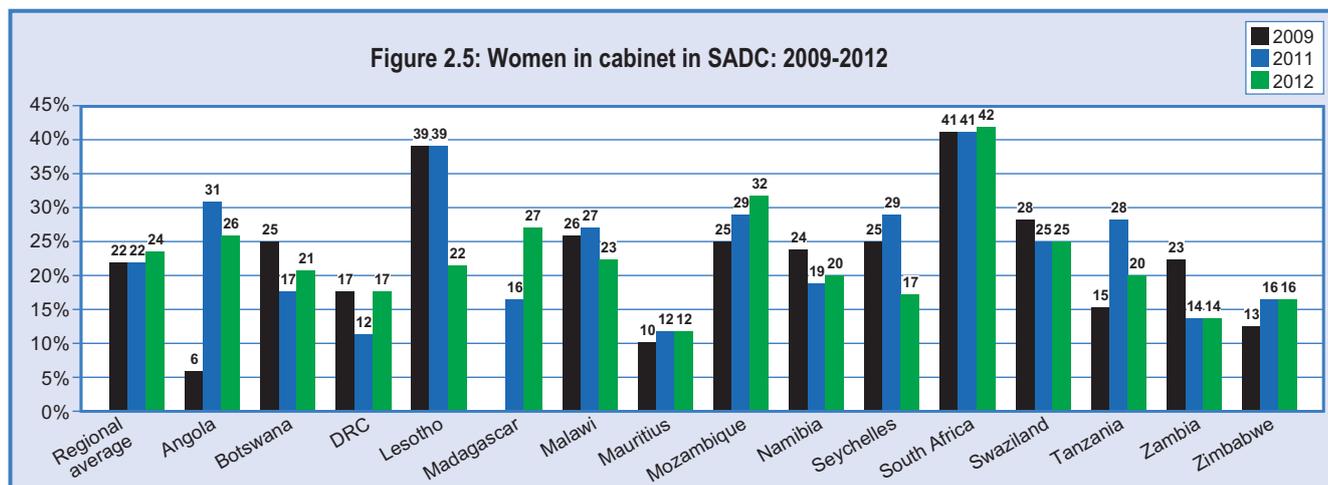
Mauritius will go to local government elections on 2 and 9 December 2012. With only 6% women in local government, Mauritius has amended its Constitution and introduced a legislated quota at the local level.

The partners involved in the 50/ 50 campaign in Swaziland have pledged to intensify the campaign ahead of the 2013 elections. Evidence from the region demonstrates the key importance of quotas in increasing women's representation in political decision-making. This underpins GL's urgent call for use of affirmative action in the appointment of councilors now, and legislated quotas in the future.

Figure 2.5 overleaf shows Swaziland is one of the six countries in the region, which has been on a downward trend for the past four years in terms of women representation in cabinet - from 28% in 2009 to 25%

by 2012. Yet this is one sphere of governance, which is theoretically relatively easy to "ring up the changes" because leaders have the leeway to appoint their inner team.

Figure 2.5: Women in cabinet in SADC: 2009-2012



Source: 2012 SADC Gender Protocol Barometer.

Gender and political parties

Swaziland's political parties do not contest seats in Parliament. (See Section 79 of the Constitution.) The system of governance is tinkhundla-based which emphasises devolution of state power from central government to tinkhundla areas. Individual merit is the basis for election or appointment to public office.

Although most parties have quotas for women's representation set at 30% and one had 40%, most parties had not implemented the quota system. Only one party was able to implement its policy of 30%. They view the quota system as a temporary measure. One party said that it selects candidates according to their willingness, popularity in the party and merit, and then supports them through the tinkhundla system.

Out of five political parties' constitutions and manifestos that the researchers had access to, not one listed gender as a criterion for the selection of candidates.

However, all parties have a women's wing, which are meant to ensure that women play a full role in the party. The women's wing is an autonomous body within the overall structure of the party. It has its own constitution, rules and regulations, provided that these do not conflict with the party's constitution and policies.

Gender and voters

Statistics from the electoral commission show the total number on the voters' roll and how many voted in the last two elections. It is disaggregated by age, but not by gender: youth between 18 and 30 years made up 40% of the voters (2008 National Elections Report p30).

Gender in electoral processes

Women face barriers both regarding voting and in the selection process for candidates to stand for parliament.

The electoral law prescribes that voters need to register at their inkhundla (constituency) in order to vote and/or be voted into parliament. However, once married, women move to their in-laws' constituency where they may not be well known. Moreover, the electoral law does not have gender-specific provisions.

In an attempt to sensitise voters, the Gender Unit along with civil society organisations launched "a vote for a woman campaign". However, the campaign, which started less than a year before the 2008 elections, was not well received in some constituencies, even by women themselves and lacked support at chieftaincy level. The voter education programme by the Elections and Boundaries Commission was gender neutral; it used banners, posters, and distributed brochures, pamphlets and stickers. A sample of the messages found: "Shape your community and your Life... Because Your Country needs your vote"; "Smart people Vote... Be wise Cast Your Vote... You have a right to vote"

A UNDP study shows that the 2008 elections excluded most women in the electoral process because women did not fully understand the law and some were unaware that they had the same rights as men. Voter education was poor, particularly about the new electoral process. Newspapers are mainly in English and many women do not read English. The study also found that some women lacked access to the polling structures such as umphakatsi (chiefdom) and the inkhundla.

Women have to respect a dress code. For example, their head must be covered and widows in mourning are not allowed to enter public structures, such as inkhundla and umphakatsi, and so were therefore not able to vote. Moreover, the electoral law stipulates that secondary elections should be held at the Inkhundla centre, which comprises of several chiefdoms and can

cover large distances. Women often lack money for transport for themselves and resources to assist their voters to travel to the nearest polling station. These barriers could explain why female candidates lost in the secondary elections.

Electoral systems and quotas

The constitution has a provision to be implemented if women form less than 30% at the first seating of the house of Assembly:

Article 86 (1) Where at the first meeting of the House after any general election it appears that female members of Parliament will not constitute at least 30% of the total membership of Parliament, then, and only then, the provisions of this section shall apply. (2) For the purposes of this section, the House shall form itself into an electoral college and elect not more than four women on a regional basis to the House in accordance with the provisions of section 95(3).

Additionally Section 95(2) provides that half of the ten nominees by the King to the House of Assembly shall be female. Senate appointment 94. (2) Ten Senators, at least half of whom shall be female, shall be elected by the members of the House in such manner as may be prescribed by or under any law at their first meeting to represent a cross-section of the Swazi society. (3) Twenty Senators, at least eight of whom shall be female, shall be appointed by the King acting in his discretion after consultation with such bodies as the King may deem appropriate.

The quota issue is emotive. Some people believe it is the only way to achieve gender parity whereas others argue that it undermines the electorate, putting people in parliament who were not elected by the electorate.

Section 86(1) and (2) together with Section 95(c) have not been implemented to elect four women from the regions to Parliament. His Majesty's appointments of women in both houses fell short of the constitutional stipulation.

There are five commissioners, including the chairperson who is male. Two out of the five commissioners are female.

Public service



The SADC Protocol provides that member states should endeavour to ensure that 50% of decision-making positions in all public and private sectors are held by women including through the use of affirmative action measure.

The researcher did not have access to sex disaggregated data for the public service.

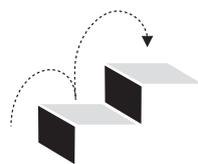
Costing

Women in parliament

There is no dedicated line item of funding in the Gender Unit for training of parliamentarians. The Gender Unit sometimes uses the line item Professional Special Services to conduct gender sensitisation workshops for parliamentarians. However, the budget line has been reduced due to the 20% cuts imposed on all ministerial budgets despite the fact that the Gender Unit was already under-budgeted.

Local government

There is no specific budget for local government. Gender Links has been working with the Gender Unit on costing implementation of the SADC Gender Protocol and the process has emphasised the need for capacity building on gender budgeting at local government and other levels of governance.



Next steps

- Sustaining the momentum for 50/50 representation of women in political decision-making positions until the 2013 national and rural council elections are held.
- To address customs and traditions which influence the negative perceptions about women's participation in politics. This could be carried out through citizen civic education, targeting voters in communities.
- More involvement with the media such as television, radio as well as social media such as cellphones, internet and websites as platforms to lobby for increasing the number of women in decision-making.
- Use the Constitution provision on 30% quota to mobilise more women to enter into politics.
- Sustain training and empowerment programmes for potential candidates who come forward to enhance their chances of being elected.
- Obtain sex disaggregated data of employees in the public service in order to make a gender analysis of the sector.
- Involve other stakeholders such as the private sector in the 50/50 campaign to encourage management to ensure that the target is integrated in all spheres and not just political decision-making bodies.